## Remarks/Arguments:

Claims 1, 2 and 5-21 stand rejected.

Claims 1, 11 and 21 have been amended.

Claims 8-10 and 14, 16 and 18 have now been canceled.

### Section 102 Rejections:

Claims 1, 2, 5-7, 11-13, 15, 17 and 19-21 have been rejected as being anticipated by Wolterink. Applicants respectfully submit that this rejection is overcome for the reasons set forth below.

Amended claim 1 now includes features which are not suggested by the cited reference, namely:

- a **first** spacing structure having a **first** height, the first spacing structure affixed to the semiconductor structure ...;
- a lens assembly located on at least a portion of a top surface of the first spacing structure, **the lens assembly providing a second spacing structure**;
- a transparent enclosure portion having a surface area extending substantially to the periphery of the second spacing structure, **the transparent enclosure portion disposed on top of the second spacing structure defining a cavity** above the image sensing device of the IC, **the cavity having a cavity height that is substantially equal to the first and second heights of the first and second spacing structure**, and
- **the lens assembly includes a lens, wherein only the lens is disposed in the cavity**.

Basis for amended claim 1 may be found, for example, in FIG. 7. As shown, first spacer 122 is fixed to semiconductor structure 108. The first spacing structure has a first height. Lens assembly 302 is located on a top surface of first spacing structure 122. Lens assembly 302 provides a second spacing structure. Transparent enclosure portion 116 has a surface area extending to the periphery of second spacing structure 302. The transparent enclosure portion is disposed on top of second spacing structure 302. A cavity is formed above image sensing device 107, where the cavity has a height that is substantially equal to the first and second heights of first spacing structure 122 and second spacing structure 302. Furthermore, the lens assembly 302 includes lens 304, wherein only the lens is disposed in the cavity.

Wolternik discloses a packaged module including an image sensing device. As shown in FIG. 1 of Wolternik, spacer 105 is disposed between imaging device 103 and cover plate 107. A cavity is formed between the imaging device and cover plate 107. The lens assembly 111, however, is disposed outside the formed cavity. Examining FIG. 2, Wolternik discloses a first cavity formed by spacer 105 and cover plate 107. A lens assembly 111, or a lens assembly 127 is disposed above cover plate 107 and outside of the cavity formed by spacer 105.

Wolternik, however, does **not** suggest the combination of (1) first and second spacing structures having first and second heights, respectively, (2) a cavity formed by the transparent enclosure portion, the first and second spacers and the imaging sensing device, where the cavity has a height substantially equal to the first and second heights of the first and second spacing structures, and (3) a lens assembly that includes a lens, where **only the lens is disposed in the cavity**.

Although not the same, claim 11 has been amended to include features similar to amended claim 1. The features of amended claim 11 may also be found, for example, in FIG. 7.

Since claim 11 now recites (1) first and second spacers disposed between a transparent enclosure portion and an imaging device for **forming a single cavity** and (2) **a lens which is disposed in the single cavity**, amended claim 11 is not subject to rejection in view of the cited reference for the same reasons set forth for amended claim 1. Favorable reconsideration is requested.

Dependent claims 2, and 5-7 depend from amended claim 1. Dependent claims 12-13, 15, 17 and 19-21 depend from amended claim 11. These dependent claims are, therefore, not subject to rejection in view of the cited reference for at least the same reasons set forth for amended claim 1.

**Amended Claim 21:**

Claim 21 has now been amended to recite the following:

- the spacing structure includes **a set of four non-contiguous pieces surrounding a perimeter of the IC**.

Basis for claim 21 may be found, for example, in the specification at page 10, lines 4-9. Basis may also be found in FIG. 1C, which shows a spacing structure having four non-contiguous pieces.

None of the cited references discloses such a spacing structure.

## CONCLUSION

This application is now in condition for allowance.

Respectfully submitted,

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